

From: Paul Calamita <paul@aqualaw.com>
Date: August 16, 2023 at 2:07:25 AM CDT
To: "Bailey, Simon" <sbailey@bradley.com>
Subject: 848 Lakeland (Lakeland Seniors) - Notice of Claim Against Jackson Water Aug 7 2023

CAUTION - EXTERNAL EMAIL

Mr. Bailey,

I represent JXN Water and would like to discuss the attached complaint which you have filed on behalf of Lakeland Seniors. Three preliminary observations ahead of that discussion:

- First, JXN Water was not incorporated until December of 2022 so we are unsure who Lakeland Seniors talked with in November 2022, but it was not JXN Water.
- Second, we don't think the City's water system (which JXN Water now runs) could have contributed to the water issues simply because the water infrastructure is downhill of the Lakeland Seniors building (see discussion below and attached diagram).
- Third, attached is a Stipulated Order entered by Judge Wingate which, in Paragraph 9.b prohibits anyone from filing suit against JXN Water without Judge Wingate's permission.

For these reasons, we ask that you amend your complaint to remove JXN Water as a defendant. If you don't agree to do so promptly, we will move to have JXN Water dismissed and/or bring Lakeland Senior's failure to seek Judge Wingate's permission before suing JXN Water to his attention.

EXHIBIT

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I am available most of 8/23 and 1-5 CT on the 24th if you would like to discuss this matter.

JXN Water Investigation:

In mid-June JXN Water visited the site and found evidence that the water meter had been recently replaced as had the fire hydrant on the east side of the UMMC building that is adjacent to Lakeland Seniors. The surrounding grade is downhill to the north and uphill to the west - towards Lakeland Seniors. There is no evidence water depth built up high enough to reach a level that would crest the hill between UMMC and Lakeland Seniors.

There was no water leaking from the new hydrant or the meter at the time of my inspection. Due to the topography discussed above, we see no way for water from a leaking hydrant or meter to reach the Lakeland Seniors property.

We inspected the area to the west of the UMMC building - closest to Lakeland Seniors. There was no evidence of any drinking water structures on that side of the building. There is one sanitary sewer manhole with no evidence of a previous overflow observed. Stormwater, however, from the UMMC building, directly flows towards the Lakeland Seniors property and is likely the source of any previous water issues.

Attached a sketch and photos for context.

Paul Calamita
Chairman

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